



Partners
Dawn M. Cardi
Chad L. Edgar

Associates
Jessica Friedrich
Joanna C. Kahan

Of counsel
Diane Ferrone

January 6, 2022

Via ECF

Hon. Jesse M. Furman
United States District Court Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Mark Brock, et al., 20 Cr. 135 (JMF)

Your Honor:

I am CJA counsel to Mark Brock. I write, with no objection from the government, to request that the Court proceed with Mr. Brock's sentencing remotely on January 27, 2022.

Consistent with Section 15002(b)(2)(A) of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), it is respectfully submitted that the sentencing in this case cannot be further delayed without serious harm to the interests of justice. See United States v. Cohen, 2020 WL 2539115, *2 (S.D.N.Y. May 19, 2020); see also United States v. Portolyoni, 2020 WL 5604047, *3 (S.D.N.Y. Sept. 18, 2020) (finding that sentencing cannot be further delayed without serious harm to the interests of justice and that "[m]oving forward with [Ms. Portolyoni's] scheduled sentencing promotes judicial economy by preempting the parties' inevitable motions to this Court requesting further scheduling changes.). By authorizing judges to conduct sentencings via videoconference, the CARES Act recognizes the importance of judicial proceedings moving forward in a time of great uncertainty.

Mr. Brock wishes to proceed remotely and waives any objections he may have under the CARES Act. Annexed hereto is a Consent to Proceed by Video or Tele Conference that I have signed with Mr. Brock's consent. We also note that Mr. Brock is currently housed in Allenwood, Pennsylvania and given the on-going COVID-19 pandemic, transporting him would be a health hazard as well as a waste of resources. Indeed, there are currently 255 inmates with COVID-19 at the MDC, where Mr. Brock would most likely be housed if transported to New York. See <https://www.bop.gov/coronavirus/> (last visited today).

Accordingly, we respectfully submit that given all of the above the Court can find that sentencing cannot be further delayed without serious harm to the interests of justice. As noted, the government consents to this request.



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I thank the Court for its attention to this matter.

Respectfully submitted,

/s/

Dawn M. Cardi

cc: All Parties (via ECF)

Application GRANTED. The sentencing will be held on January 27, 2022, at **3:00 p.m.** via Webex. (Please note, the time has been changed to accommodate the jail's schedule.) The Court will issue an Order with instructions on accessing the proceeding closer to the date of sentencing. The Court thanks the USAO for assisting in setting up the proceeding with FCI Allenwood. The Clerk of Court is directed to terminate Doc. #602. SO ORDERED.



A handwritten signature in black ink, appearing to read 'Dawn Cardi'. Below the signature, the date 'January 7, 2022' is written in blue ink.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

CONSENT TO PROCEED BY VIDEO OR
TELE CONFERENCE

-against-

20 -CR-135 (JMF)

MARK BROCK,

Defendant(s).

-----X

Defendant Mark Brock hereby voluntarily consents to participate in the following proceeding via X videoconferencing or teleconferencing:

Initial Appearance Before a Judicial Officer
 Arraignment (Note: If on Felony Information, Defendant Must Sign Separate Waiver of Indictment Form)
 Bail/Detention Hearing
 Conference Before a Judicial Officer
 Sentencing

Mark Brock by DMC
Defendant's Signature
(Judge may obtain verbal consent on Record and Sign for Defendant)

Mark Brock
Print Defendant's Name

Dawn M Cardi
Defendant's Counsel's Signature

Dawn Cardi
Print Counsel's Name

This proceeding was conducted by reliable video or telephone conferencing technology.

Date

U.S. District Judge/U.S. Magistrate Judge